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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/706,370

11/03/2000

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AIDT 1000-1

6463

22470 7590 08/21/2007
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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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08/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/706,370	Applicant(s) MIZRAH, LEN L.	
	Examiner Ella Colbert	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-53, 55 and 58-82 is/are pending in the application.
- 4a) Of the above claim(s) 58-82 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-53 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 45-53, 55, and 58-82 are pending. Claims 45, 58, 67, and 75 have been amended in this communication filed 06/07/07 entered as Response to Non-Final Action. Claims 58-82 were added in the communication filed 2/16/07 entered as Response to Non-Final Action.
2. The Claim objections to the objected to claims have been overcome by Applicants' amendment to the objected to claims and are hereby withdrawn.
3. The 35 USC 112, First paragraph rejections have been overcome by Applicants' amendment to the claims and are hereby withdrawn.
4. The 35 USC 112, second paragraph rejections have been overcome by Applicants' amendment to the claims and are hereby withdrawn.
5. The previous non-final rejection is withdrawn in view of a new rejections as set forth here below. It has been noted the application contains a restriction since the addition of claims 58-82 in the communication filed 2/16/07. Therefore, the claims will be restricted by Original Presentation and the reasons for the restriction will follow in a section entitled "Reasons for Restriction By Original Presentation."

Restriction By Original Presentation

6. Newly submitted claims 58-82 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 58-82 contain divergent subject matter not claimed in claims 45-53 and 55, such as managing financial transactions including an identifier of the account used for authenticating an account, a first time-stamped record and a second time-stamped record, the matching

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of an account identifier, and a time out interval. Claims 58-82 contradict claims 45-53 and 55 because claims 45-53 and 55 require the establishment of an authentication record in memory and an authenticated transaction signature with the establishing of an authorization record not requiring identification of a particular account holder and claim 58-82 recite "responses to a request include an identifier of the account used for authenticating the account". Original claims 45-53 and 55 do not contain these elements and are directed to establishing an authentication record in memory on the server-side computer, a predicted transaction amount, a transaction time parameter, an authenticated transaction signature (a matching signature), reading and processing the authorization record, matching a transaction time parameter, reconciling the predicted transaction amount and the actual transaction amount for a particular account holder.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 58-82 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claims 45-53 and 55 will be examined on the merits.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 45, line 4 and line 11 on page 2 reciting "resources in response to communication at a first time from a particular account holder, for a ...; ... resources, in response to communications at a second time from a party to a particular ...;". It is unclear what is "at the first time from a particular account holder" and "at a second time from a party". These portions of the claim limitations do not make sense as read or as written making the claim limitation vague and indefinite.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,095,413) Tetro et al, hereafter Tetro and Official Notice.

Claim 45. Tetro discloses, A computer implemented method for server-side execution in support of financial transactions, comprising: establishing an authentication record in memory accessible by server-side computer resources, in response to communications at a first time from a particular account holder, for a predicted transaction by the particular account holder, the authentication record for the predicted transaction includes a predicted transaction amount, a

transaction time parameter, and an authenticated transaction signature for presentation upon execution of the predicted transaction, and sending a message including the authenticated transaction signature from the server-side computer resources to the particular account holder (col. 1, lines 12-40, col. 4, lines 16-59, and col. 7, lines 9-19); establishing an authorization record in memory accessible by server-side computer resources, in response to communications at a second time from a party to a particular transaction, for the particular transaction indicating an actual transaction amount, an actual transaction time and a presented transaction signature, wherein said establishing an authorization record does not require identification of the particular account holder (col. 1, lines 12-40, col. 4, lines 16-59, col. 5, lines 54-60, and col. 7, lines 9-19); reading and processing the authorization record and the authentication record in the server-side computer resources, and if the presented transaction signature in the authorization record matches the authenticated transaction signature in the authentication record for the predicted transaction, the actual transaction amount in the authorization record matches the predicted transaction amount in the authentication record and the actual transaction time in the authorization record matches the transaction time parameter in the authentication record, then sending an authorization message to the party of the particular transaction (col. 1, lines 12-67 and col. 3, lines 38-46); and performing an accounting process, including reconciling the predicted transaction amount and the actual transaction amount in the server-side computer resources, for the

particular account holder (col. 4, lines 31-59 –verification (reconciling)). Tetro failed to disclosed the reading and processing of the authorization record.

Official notice is taken that it is well known to read a document prior to processing the document. It would have been obvious to one having ordinary skill in the art at the time the invention was made to first read the record and then process the record and then to authenticate the record if the record matches the required criteria.

Claim 46. Tetro discloses, The method of claim 45, including:storing the authentication record in a database including a plurality of authentication records for other predicted transactions (col. 4, line 60-col. 5, line18).

Claim 47. Tetro discloses, The method of claim 45, wherein the time parameter comprises a time value indicating the first time, when the authorization record was created (col. 5, lines 19-43).

Claim 48. Tetro disclosed, The method of claim 45, wherein said matching includes determining whether the actual transaction time falls within a time interval indicated by the transaction time parameter (col. 6, line 57-col. 7, line 7).

11. Claims 49-53 and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,095,413) Tetro et al, hereafter Tetro and Official Notice futher in view of (US 6,047,270) Joao et al, hereafter Joao.

Claim 49. Tetro failed to disclose, The method of claim 45, wherein establishing an authentication record includes: establishing a communication session with the

particular account holder; accepting an account number and an identification number for the particular account holder via the communication session; accepting the predicted transaction amount via the communication session; and producing the transaction signature. Joao discloses, The method of claim 45, wherein establishing an authentication record includes: establishing a communication session with the particular account holder (col. 61, lines 54-67 and col. 63, lines 5-29); accepting an account number and an identification number for the particular account holder via the communication session (col. 67, line 39 –col. 58, line 19); accepting the predicted transaction amount via the communication session; and producing the transaction signature (col. 6, lines 40-52 and Fig. 20 (750)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Joao in Tetro because such an incorporation would allow Tetro to have the account holder to log onto the computer system to make a transaction.

Claim 50. Tetro failed to disclose, The method of claim 49, including prompting the particular account holder to supply a combination of digits from a personal identification code, wherein the combination does not include all of the personal identification code. Official Notice is taken that for an account holder to supply a combination of digits from a personal identification code is well known when being asked for a social security number, a customer is asked for the last four digits of the social security number as a means of identification. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to have an account holder to supply a combination of digits from a personal identification code because such a method is used in the credit card industry to identify an account holder by requesting the last four digits of the credit card or the last four digits of the person's social security number.

Claim 51. Tetro failed to disclose, The method of claim 45, wherein establishing an authorization record includes: establishing a communication session with the party to the particular transaction; and accepting the presented transaction signature and the actual transaction amount via the communication session.

Joao discloses, The method of claim 45, wherein establishing an authorization record includes: establishing a communication session with the party to the particular transaction; and accepting the presented transaction signature and the actual transaction amount via the communication session (col. 6, lines 40-52, col. 61, lines 54-67, col. 63, lines 5-29, col. 67, line 39-col. 68, line 19, and fig. 20 (750)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Joao in Tetro because such an incorporation would allow Tetro to have the account holder to log onto the computer system to make a secure transaction.

Claim 52. Tetro failed to disclose, The method of claim 51, including accepting identification of the party via the communication session. Joao discloses, The method of claim 51, including accepting identification of the party via the communication session (col. 6, lines 53-67, col. 7, lines 1-55 and fig. 20 (750)). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to incorporate the teachings of Joao in Tetro because such an incorporation would allow Tetro to know the party is an authorized user of the system and is authorized to have access to the account.

Claim 53. Tetro failed to disclose, The method of claim 52, including maintaining a list of authorized parties, and including determining whether the identification of the party accepted via the communication session indicates a party in the list of authorized parties. Joao discloses, including maintaining a list of authorized parties, and including determining whether the identification of the party accepted via the communication session indicates a party in the list of authorized parties (col. 38, lines 44-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Joao in Tetro because such an incorporation would allow Tetro to have a computer system to make a secure transaction and to know that the party is an authorized user of the system and authorized to have access to the account.

Claim 55. Tetro failed to disclose, The method of claim 45, wherein establishing an authentication record includes: establishing a communication session with the particular account holder; accepting an account number via the communication session; prompting the particular account holder via the communication session to supply a static identification number and a dynamically identified combination of digits from a personal identification code, wherein the combination does not include all of the personal identification code; accepting the predicted transaction amount via the communication session; and producing the transaction signature

and sending the transaction signature to the particular. Joao discloses, The method of claim 45, wherein establishing an authentication record includes: establishing a communication session with the particular account holder; accepting an account number via the communication session; prompting the particular account holder via the communication session to supply a static identification number and a dynamically identified combination of digits from a personal identification code, wherein the combination does not include all of the personal identification code; accepting the predicted transaction amount via the communication session; and producing the transaction signature and sending the transaction signature to the particular (col. 6, line 53-col. 7, line 55 and fig. 20 (720). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Joao in Tetro because such an incorporation would allow Tetro to have a computer system to make a secure transaction and to know that the party is an authorized user of the system and authorized to have access to the account.

This claim is also rejected for the similar rationale above for claims 49 and 50.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cofod (W0 97/00483) disclosed an apparatus for detecting fraud and filtering transaction data.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 17, 2007


ELLA COLBERT
PRIMARY EXAMINER